

CHAPTER 1019

CRIMINAL RESTITUTION AND PECUNIARY DAMAGES — INSURERS

H.F. 2238

AN ACT relating to the receipt of pecuniary damages by insurers as victims of insurance fraud for purposes of criminal restitution.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 910.1, subsection 3](#), Code 2018, is amended to read as follows:

3. “*Pecuniary damages*” means all damages to the extent not paid by an insurer on an insurance claim by the victim, which a victim could recover against the offender in a civil action arising out of the same facts or event, except punitive damages and damages for pain, suffering, mental anguish, and loss of consortium. Without limitation, “*pecuniary damages*” includes damages for wrongful death and expenses incurred for psychiatric or psychological services or counseling or other counseling for the victim which became necessary as a direct result of the criminal activity.

Sec. 2. [Section 910.1, subsection 5](#), Code 2018, is amended to read as follows:

5. “*Victim*” means a person who has suffered pecuniary damages as a result of the offender’s criminal activities. However, for purposes of [this chapter](#), an insurer paying a victim’s insurance claim is not a victim and does not have a right of subrogation. An insurer may be a victim for purposes of [this chapter](#) if insurance fraud in violation of [section 507E.3](#) or [507E.3A](#) has been perpetrated against the insurer. The crime victim compensation program is not an insurer for purposes of [this chapter](#), and the right of subrogation provided by [section 915.92](#) does not prohibit restitution to the crime victim compensation program.

Approved March 21, 2018